

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRANDON D. BOLLING,

Defendant.

Case No. 10-cr-40038-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on defendant Brandon D. Bolling's filing captioned "Jurisdictional Question" (Doc. 52) in which he questions the Court's jurisdiction to impose his criminal sentence. The filing is identical to the first few pages of one of Bolling's earlier filings which the Court construed as a motion (Doc. 48). The Court determined it did not have jurisdiction to grant the earlier motion because Bolling's case was, and still is, on direct appeal at this time. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). The Court further noted that it believed that, although he did not cite it in his motion, Bolling intended to invoke 28 U.S.C. § 2255 because the relief he appears to seek – vacating his sentence – is only available through such a motion. The Court declined to construe Bolling's filing as a § 2255 motion, *see Castro v. United States*, 540 U.S. 375, 377 (2003), denied the motion, and directed the Clerk of Court to send Bolling instructions and a form for filing a § 2255 motion. Because Bolling's current filing duplicates his earlier filing, which the Court has already resolved, the Court **STRIKES** the filing (Doc. 52). The Court further **WARNS** Bolling that submission of the same document multiple times will not increase his chances of getting a different result and may instead cause the Court to impose restrictions on his ability to file documents in this case.

The Court **DIRECTS** the Clerk of Court to send a copy of this order to Bolling at:

Brandon D. Bolling
Reg. # 08702-025
Yazoo City FCI-Medium
P.O. Box 5888
Yazoo City, MS 39194

IT IS SO ORDERED.
DATED: July 28, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE